

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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| DR. JENNIFER LYNN GLASS, <i>et al.</i> , | : |
| <i>Plaintiffs,</i> | : |
| | : |
| v. | : |
| | No. 1:16cv845-LY |
| | : |
| KEN PAXTON, <i>et al.</i> , | : |
| <i>Defendants.</i> | : |
| | : |

**PLAINTIFFS' RESPONSE IN PARTIAL OPPOSITION TO
DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Plaintiffs respond in partial opposition to Defendants' Opposed Motion for Extension of Time to Respond to Complaint (Doc. 18).

1. Plaintiffs oppose an extension of time for Defendant Paxton, whose response is due August 3, 2016. They do not oppose an extension of time to and including August 3rd for the UT Defendants (the UT Austin President and the UT System Board of Regents).

2. There are two possible types of responses to Plaintiffs' Complaint. One would be the Rule 12(b) motions—jurisdictional under 12(b)(1) or dismissal under 12(b)(6)—that appear to be what Defendants are referring to as “dispositive motions” in ¶ 4 of their extension motion. The other would be an answer under Rule 12(a)(1).

3. Defendants can readily prepare and file a Rule 12(a)(1) answer by August 3rd. They have to investigate the facts by then anyway because of the preliminary injunction hearing the next day. They speak in ¶ 7 of their “recentness” to the issues in this case, but all of them have been intimately involved in, and attentive to, the quite public guns-on-campus and guns-in-the-classroom policy debates and development for the last two years. Defendant Paxton already was

familiar enough with the issues and facts the day after the lawsuit was filed to tell the public that the lawsuit was “baseless” and “an insult to the millions of law abiding gun owners in Texas and across this country.” R. Haurwitz, “Paxton, pro-gun groups blast lawsuit challenging UT campus carry,” *Austin American-Statesman* (July 7, 2016).^{*} The UT Defendants have been steadily working on campus carry issues since before the 2015 legislative session and continuing through July 14th, when the UT Austin Provost issued the latest faculty directives.

4. In ¶ 5 of their extension motion, Defendants posit that extending the deadline for their Rule 12(b) motions would allow them to have more informed briefing because they will have had the benefit of developments on the preliminary injunction application. But the converse is true as far as filing an answer is concerned. Filing it by August 3rd would aid the Court at the August 4th preliminary injunction hearing by putting before it the facts, if any, that Defendants admit in their answers.

5. Denying the extension request would work no harm to Defendants in connection with any dispositive motions they may want to file. They waive nothing if they file their answers by August 3rd and wait until later to file their dispositive motions.

6. Plaintiffs are prepared to move expeditiously in this case. Delaying the time for response as requested by Defendants runs counter to moving quickly, and Defendants have not provided good cause for delaying a response—an easily prepared Answer if need be—past August 3rd.

^{*}<http://www.mystatesman.com/news/news/state-regional-govt-politics/paxton-pro-gun-groups-blast-lawsuit-challenging-ut/nrtS2/>

CONCLUSION

Plaintiffs urge the Court to deny Defendants' extension of time motion to the extent it seeks an extension beyond August 3, 2016, to respond to the Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the ___ day of July, 2016, I served a true and correct copy of the foregoing pleading on all counsel of record through the Court's CM/ECF system.

/s/ Renea Hicks
Max Renea Hicks